

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence, in the butter, of insect fragments, rodent hair fragments, hairs similar to rodent hairs, feather barbules, nondescript dirt, and maggots; the parchment wrappers used in packing the butter were dirty, and mouse pellets identified by mouse hairs were found attached to the parchment wrappers; and the Cheddar cheese contained rodent hairs, feather barbules, dog hairs, cat or dog hairs, human hair, insect leg fragments, plant tissue, fibers, and nondescript dirt. Further adulteration, Section 402 (a) (4), the articles had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: November 25, 1946. Pleas of guilty having been entered, the court imposed fines of \$500 against the corporation and \$100 against the individual defendant.

CHEESE*

10772. Adulteration of cheese. U. S. v. Evert Hagan (El Rey Cheese Co. and Taylor Maid Co.). Plea of nolo contendere. Fine, \$500. (F. D. C. No. 19047. Sample Nos. 31579-H, 31580-H.)

INFORMATION FILED: June 21, 1946, Southern District of California, against Evert Hagan, plant manager of the firm operating as the El Rey Cheese Co. and the Taylor Maid Co., at Los Angeles, Calif.

ALLEGED SHIPMENT: On or about August 4, 1945, from the State of California into the State of Arizona.

LABEL, IN PART: "Sunny Valley Brand ["Taylor Maid Brand"] Pasteurized Sandwich Loaf * * * Mfd. by El Rey Cheese Co. * * * Los Angeles Calif."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of fly fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 12, 1946. A plea of nolo contendere having been entered, the defendant was fined \$250 on each count, a total fine of \$500.

10773. Adulteration of Cheddar cheese. U. S. v. 96 Boxes * * * (F. D. C. No. 18835. Sample No. 19623-H.)

LIBEL FILED: January 9, 1946, District of Wisconsin.

ALLEGED SHIPMENT: On or about November 29, 1945, by the Lake Como Co-operative Cheese Co., from Hokah, Minn.

PRODUCT: 96 75-pound boxes of Cheddar cheese at La Farge, Wis.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hairs, and manure; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 27, 1946. Schmitt Brothers Division of The Borden Co., Richland Center, Wis., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be denatured under the supervision of the Food and Drug Administration.

10774. Adulteration and misbranding of Colby cheese. U. S. v. 4 Boxes, etc. (F. D. C. No. 19079. Sample Nos. 19732-H, 19948-H.)

LIBEL FILED: February 7, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about January 4, 1946, by Wuethrich Brothers, from Doylestown, Wis.

PRODUCT: 9 boxes each containing 3 cheeses at St. Paul, Minn.

LABEL, IN PART: "Genuine Colby Wisconsin Junior Cheese," or "Wisconsin * * * Colby Cheese."

*See also No. 10771.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an article containing excessive moisture had been substituted in whole or in part for Colby cheese.

Misbranding, Section 402 (g) (1), the article failed to conform to the definition and standard of identity for Colby cheese since it contained more than 40 percent of moisture.

DISPOSITION: On April 5, 1946, no claimant having appeared, judgment was entered ordering the product converted into animal feed or destroyed under the supervision of the Food and Drug Administration. On April 23, 1945, an amendment to the decree was entered permitting the delivery of the product to a charitable institution, for use as human food.

MISCELLANEOUS DAIRY PRODUCTS

10775. Adulteration of milk and cottage cheese. U. S. v. Associated Dairy Products Co. Plea of nolo contendere. Fine, \$1,500. Defendant placed on probation for 5 years. (F. D. C. No. 19042. Sample Nos. 32229-H, 32232-H, 32235-H.)

INFORMATION FILED: March 12, 1946, District of Arizona, against the Associated Dairy Products Co., a corporation, Glendale, Ariz.

ALLEGED SHIPMENT: On or about August 1 and 3, 1946, from the State of Arizona into the States of New Mexico and Texas.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), (milk) the product consisted in whole or in part of a filthy substance by reason of the presence of nondescript dirt consisting of brown particles resembling rust or rust-stained casein, fragments resembling manure, an insect fragment, a cow hair, and metal particles, and (cottage cheese) a feather barbule, insect fragments, and cat hairs; and, Section 402 (a) (4), (both products) the articles had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: May 27, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$750 on each of counts 1 and 2, a total fine of \$1,500. Sentence was suspended on count 3 for a period of 5 years, during which time the defendant was to be on probation.

10776. Adulteration and misbranding of evaporated milk. U. S. v. 186 Cases * * *. (F. D. C. No. 19080. Sample No. 19437-H.)

LIBEL FILED: February 7, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about December 15, 1945, by Fort Dodge Creamery Co., from Fort Dodge, Iowa.

PRODUCT: 186 cases, each containing 48 14½-ounce cans, of evaporated milk at Minneapolis, Minn.

LABEL, IN PART: "Jack Sprat Brand Evaporated Milk * * * Contains not less than 325 U. S. P. Vitamin D Units (25 Units Per Fld. Oz.)."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in part omitted from the article.

Misbranding, Section 403 (a), the label statement "Contains not less than 325 U. S. P. Vitamin D Units (25 Units Per Fld. Oz.)" was false and misleading as applied to the article, which contained less than the stated amount of vitamin D.

DISPOSITION: September 5, 1946. The Western Grocer Co., Marshalltown, Iowa, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Federal Security Agency.

10777. Misbranding of condensed buttermilk. U. S. v. Nashville Buttermilk Co. and Neil Hunt. Pleas of nolo contendere. Fine of \$100 against each defendant. (F. D. C. No. 17832. Sample Nos. 2764-H, 4609-H.)

INDICTMENT RETURNED: On July 24, 1946, Middle District of Tennessee, against the Nashville Buttermilk Co., a corporation, Nashville, Tenn., and Neil Hunt, president—treasurer.

ALLEGED SHIPMENT: February 24 and March 23, 1945, from the State of Tennessee into the States of Virginia and New Jersey.